



Sen. Kwame Raoul

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09800SB1912sam003

LRB098 08938 JLS 44919 a

1 AMENDMENT TO SENATE BILL 1912

2 AMENDMENT NO. _____. Amend Senate Bill 1912, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 adding Part 23 to Article II as follows:

7 (735 ILCS 5/Art. II Pt. 23 heading new)

8 Part 23. Settlement

9 (735 ILCS 5/2-2301 new)

10 Sec. 2-2301. Settlement of claims; payment.

11 (a) In any civil action involving a claim for money
12 damages, a release must be tendered to the plaintiff by the
13 settling defendant within 14 days of written confirmation of
14 the settlement.

15 (b) In any civil action involving a claim for money damages

1 in which the law requires court approval of a settlement, the
2 plaintiff shall tender to the defendant a copy of the court
3 order approving the settlement.

4 (c) In any civil action involving a claim for money damages
5 in which there is a known third-party right of recovery or
6 subrogation interest (including attorney's liens, healthcare
7 provider liens, or rights of recovery claimed by Medicare, the
8 Centers for Medicare and Medicaid Services, the Illinois
9 Department of Healthcare and Family Services, or private health
10 insurance companies), the plaintiff shall, where applicable,
11 timely tender to the defendant:

12 (1) A signed release of the attorney's lien.

13 (2) Either:

14 (i) a signed release of a healthcare provider lien;

15 or

16 (ii) a letter from the plaintiff's attorney
17 agreeing to hold the full amount of the claimed lien in
18 the plaintiff's attorney's client fund account pending
19 final resolution of the lien amount; or

20 (iii) an offer that the defendant hold the full
21 amount of the claimed right to recovery pending final
22 resolution of the amount of the right of recovery.

23 (3) Either:

24 (i) documentation of the agreement between the
25 plaintiff and Medicare, the Centers for Medicare and
26 Medicaid Services, the Illinois Department of

1 Healthcare and Family Services, or the private health
2 insurance company as to the amount of the settlement
3 that will be accepted in satisfaction of right of
4 recovery; or

5 (ii) a letter from the plaintiff's attorney
6 agreeing to hold the full amount of the claimed right
7 to recovery in the plaintiff's attorney's client fund
8 account pending final resolution of the amount of the
9 right to recovery; or

10 (iii) an offer that the defendant hold the full
11 amount of the claimed right to recovery pending final
12 resolution of the amount of the right of recovery.

13 (d) A settling defendant shall pay all sums due to the
14 plaintiff within 21 days of tender by the plaintiff of all
15 applicable documents in compliance with subsections (a), (b),
16 and (c) of this Section.

17 (e) If, after a hearing, the court having jurisdiction over
18 the parties finds that timely payment has not been made by a
19 defendant pursuant to subsection (d) of this Section, judgment
20 shall be entered against that defendant for the amount set
21 forth in the executed release, plus costs incurred in obtaining
22 the judgment and interest at the rate specified under Section
23 2-1303 of this Code, calculated from the date of the tender by
24 the plaintiff under subsection (d) of this Section.

25 (f) As used in this Section, "tender" means personal
26 delivery or delivery by a means providing a return receipt.

1 (g) This Section applies to all civil actions involving a
2 claim for money damages, except as otherwise agreed by the
3 parties and for those actions against this State, any State
4 agency, or any State employee or foster parent or other entity
5 or person that is being represented and provided
6 indemnification in accordance with the provisions of the State
7 Employee Indemnification Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".